

FCC APPEAL

CC Docket No. 02-6

Applicant: Marlboro County School District

BEN: 127191

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471 Application: 910978

FRN: 2508227

Invoice Number assigned by USAC: 2393114

SPIN: 143001192

Reimbursement Form Number: ATT-ONETIME

Reimbursement Amount: \$12,209.93

The above referenced BEAR for was denied entirely for the following reason: *Service Delivery / Installation outside of the funding year*. I appealed to USAC that that determination was incorrect and they replied that the invoices show a service date of 12/3/2015 and therefore the denial was correct. See Exhibit E for the appeal denial and Exhibit F for the original, erroneous, invoices.

I contacted the vendor after I received Exhibit E and we discussed the issues. The vendor advised "It's not unusual on large projects for billing to start a few months after the project ends. Also with large projects we don't close the project when the work is done and we wait until we fix any project related issues and the customer signs off" as shown in Exhibit B. Additionally the vendor added "as stated per the information I've provided, the hosted service project at Marlboro County Schools ended on 9/20/2015" also shown in Exhibit B. The vendor further added in Exhibit B "I believe the dates are wrong on the bill since our billing process for HVS is for the project manager to submit a lot of required information to the billing team and this can't occur until the project ends and I'm not sure how they come up with their dates but obviously the dates on the bill did not reflect the project end date. Attached is the corrected bill with the proper dates reflecting when the project completed." Those corrected invoices are included in Exhibit C.

The service provider completed the installation by 9/30/2015. Exhibit A is email communication from the service provider that clearly shows all of the installations for all of the schools were completed on or before 9/30/2015.

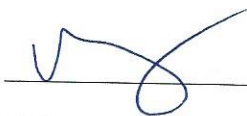
The Applicant has no idea why it took the service provider so long to bill for the work that was completed in September 2015. The Applicant paid the service provider and Exhibit D verifies that the payment was made in April 2016.

It should be noted that the Service Provider did complete the installation by 9/30/2015, and the original BEAR Form was submitted before the invoice deadline of 9/22/2016.

The Applicant feels that the Bishop Perry Order applies in part to this situation. *In re: Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School of New Orleans, LA, et al.*, May 19, 2006, addresses the fact that clerical errors may be made and the purpose of the program is to ensure that funds are paid for valid services performed. The billing errors are clerical errors as indicated in Exhibit B and the valid services we performed and delivered during the relevant funding year.

Additionally, *Re: Requests for Waiver of Decisions of the Universal Service Administrator by Academic Excellence, Apple Valley, CA*, March 9, 2007, states if the applicant's mistakes does not result in an advantage to the applicant, if denied, would result in an undue hardship to the applicant. The Applicant is a small, rural school district and the \$12,209.93 is a significant sum. There was no advantage to the District and the loss of funds does pose a significant, undue hardship to the District. The Applicant did nothing wrong. The Applicant is simply caught-up in a series of clerical errors from AT&T billing and those errors were not rectified in time to file a new BEAR before the invoice deadline passed.

The Applicant is requesting a waiver of the invoice deadline so that it can file another BEAR to receive the appropriate funds.

 / Andy Schwartz
name

1-1-2017
date